



Appeal Decision

Site visit made on 15 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/Z4310/W/19/3234393

62/63 Regent Road, Liverpool L5 9SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Musallam Almansoori against the decision of Liverpool City Council.
 - The application Ref 18F/2049, dated 16 July 2018, was refused by notice dated 5 February 2019.
 - The development proposed is to convert property to form 5 self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the description of development as set out on the Decision Notice in the banner heading above as it is more concise than that provided by the appellant.
3. The Decision Notice also refers to the proposal as being retrospective. Section 55 of the Town & Country Planning Act 1990 (as amended) defines "development" as including "the making of any material change in the use of any building or other land". I have not therefore used the term "retrospective" in the banner heading above as it is not an act of development.

Main Issue

4. The main issues in this appeal are the effect of the development on existing industrial premises, and the living conditions of residents, with specific regard to noise and disturbance.

Reasons

5. The appeal site is a three storey building located within an industrial area. From my site visit, it was not possible to ascertain the current use of the adjacent premises.
6. The building has already been converted to flats and was occupied at the time of my site visit.
7. The area is designated as a Primarily Industrial Area. Policy E1 of the Liverpool Unitary Development Plan (2002) (the UDP) states that planning permission will be granted for industrial/business uses (Use Class B1/B2/B8), and other uses will only be granted where proposal would amongst other matters, not prejudice the long term development of the area for the above uses, would act

as a catalyst to redevelopment of the site for the above uses, or have an adverse impact on residential amenity or the operation of existing businesses.

8. The appeal site is surrounded by industrial premises and located on a busy highway that services the docks area, and I noted a considerable number of heavy goods vehicles utilising Regent Road. The proximity and number of industrial premises that operate in the vicinity with unrestricted hours of operation, given the industrial designation of the area, would undoubtedly cause harm to the living conditions of the occupiers of the flats from noise and disturbance, and could lead to complaints being made for those issues by residents of the flats, resulting in the potential for operational restrictions on those businesses, and an additional cost burden in order to attempt to mitigate the impacts. As a result, the proposals are contrary to Policy E1, H7 and H10 of the UDP, in which amongst other matters, the proposals would have an adverse impact on the operation of existing businesses in the area and the residential amenities of occupiers.

Other Matters

9. I have noted the comments of the appellant that the building had already been converted to residential use when it was purchased, and Council Tax was already being paid. However, it appears that no planning permission had been sought for the conversion. As such, the last approved use was for industrial purposes, and I can attach little weight to the unauthorised residential use.
10. From my site visit, it was also apparent that the flats have been converted to a reasonable standard, but this does not overcome the nature of the unauthorised development, and the harm that I have identified.

Conclusion

11. For the reasons given above, I conclude that this appeal should be dismissed.

Paul Cooper

INSPECTOR